

Michael L. Crowley, ESQ (SBN 117008)
Andre L. Verdun, ESQ. (SBN 265436)
CROWLEY LAW GROUP
401 West A Street, Ste 925
San Diego, CA 92101
Tel. (619) 238-5700
Fax. (866) 786-6993
andreverdun@crowleylawgroup.com

Attorneys for Plaintiffs
Terry Polk and Timothy Wagoner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case No.: **'12CV0641 W MDD**

TERRY POLK, an individual and **TIMOTHY WAGONER**, an individual,
Plaintiff,

vs.

LEGAL RECOVERY LAW OFFICES, a corporation, **PALISADES COLLECTION**, a limited liability company, and **MARK WALSH**, an individual,
Defendant.

COMPLAINT FOR DAMAGES
DEMAND FOR JURY TRIAL

INTRODUCTION

1. Plaintiffs Terry Polk (Polk) and Timothy Wagoner (Wagoner) (collectively, "Plaintiffs") bring this suit against defendants Palisades Collections (Palisades), Legal Recovery Law Offices (LRLO) and Mark Walsh (Walsh) (collectively, "defendants") for violations of state and federal law debt collection laws committed by defendants. Specifically, Palisades had filed a fraudulent proof of service claiming that the plaintiffs were served with a summons and complaint when they were not. Defendants then proceeded to garnish the wages of Polk. After evidence was provided that the service of process was fraudulent and made aware of the unique harm being caused to plaintiffs, defendants refused to stop the garnishment.

PARTIES

2. Plaintiffs are, and at all times herein mentioned were, individuals residing in Ventura County, California. Plaintiffs are consumers.

3. Defendant, Palisades is, and at all times herein mentioned was, a corporation organized and existing under the laws of the State of California. Palisades is engaged the collection of debt as its ordinary business and is therefore debt collector under state and federal law.

4. Defendant, LRLO is, and at all times herein mentioned was, a corporation organized and existing under the laws of the State of California. LRLO is a debt collector because in its "ordinary course of business" they are engaged in debt collection on behalf of others.

5. Defendant, Walsh is, and at all times herein mentioned was, an individual. Walsh is a debt collector because he is a "person who, in the ordinary course of business, regularly on behalf of himself or herself or others, engages in debt collection."

6. The true names and capacities, whether individual, corporate, associate, or otherwise, of Defendants DOES 1-50 inclusive, are unknown to Plaintiffs who, therefore, sues said Defendants by such fictitious names. Plaintiffs will amend this complaint to show their true names and capacities when ascertained. Plaintiffs are informed and believe, and thereon allege, that each of said Defendants is responsible in some manner for the events and happenings, and proximately caused the injuries and damages, hereinafter alleged.

JURISDICTION

7. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331, 15 U.S.C. § 1692(k), and 28 U.S.C. § 1367 for supplemental state claims.

8. This action arises out of the defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. ("FDCPA") and the Rosenthal Fair Debt Collection Practices Act, California Civil Code §§ 1788-1788.32 ("Rosenthal Act").

9. Because the defendants do business within the State of California, personal

jurisdiction is established.

VENUE

10. Venue is proper pursuant to 28 U.S.C. § 1391.

11. At all times relevant, the defendants conducted business within the State of California.

12. Defendants LRLO and Walsh are domiciled in San Diego, California, within the Southern District of California.

FACTUAL ALLEGATIONS

13. On or about January 9, 2008 Palisades filed a debt collection lawsuit against Polk and Wagoner, collective Plaintiffs, in the Superior Court of California, County of Ventura, case number 56-2011-00390515-CL-CL-VTA. That lawsuit was for the collection of a consumer debt.

14. Palisades filed a "proof of service" indicating that Plaintiffs were served with the summons and complaint on January 21, 2008.

15. The proof of service claims plaintiffs were each served at this home at 3:12 PM.

16. Palisades neither personally nor properly served plaintiffs on January 21, 2008 or any other date. Plaintiffs had no knowledge of the lawsuit before default was taken.

17. Regardless, Palisades filed a proof of service stating that plaintiffs were served with a complaint on January 21, 2008.

18. On December 1, 2008 Palisades took default and had a judgment entered against plaintiffs. This default was entered on the basis that on January 21, 2008 plaintiffs were personally served with a summons and complaint. Palisades waited approximately 3 years before they took any action on their default judgment.

19. Polk first learned of this lawsuit on January 25, 2012 when his employer's payroll department notified Polk that starting on Friday, January 27, 2012 this paycheck would be deducted to repay the judgment obtained by Palisades.

20. Polk notified Wagoner of the judgment and asked him if he had ever been served with the complaint. Confirming to Polk that Wagoner had not been served with the

1 complaint, Polk and Wagoner hired counsel to defend against the entry of default and
2 judgment obtained by Palisades.

3 21. Based on the illegal judgment, Palisades garnished the paycheck of Polk and
4 took 25% from each of his paychecks. Plaintiff Wagoner feared levies and garnishment
5 because of the illegal judgment obtained against him.

6 22. This substantial reduction in pay severely harmed Polk and his household.

7 23. Polk and Wagoner are both chronically ill. In light of their medical condition
8 Plaintiffs are "disabled" as that term is defined by Civil Code § 1761.

9 24. The illegal garnishment interfered with plaintiff's ability to purchase vital
10 medications required to be healthy.

11 25. To make up for the lost income, Polk was required to barrow from his retirement
12 account which will result in harm to Polk.

13 26. Plaintiffs incurred \$4,039.70 in costs and fees in fighting the contested motion to
14 set aside default. These fees were reasonably incurred by investigating the facts of the
15 service, researching the applicable law, litigating the contested motion to set aside the
16 default obtained. These fees are actual damages caused by Palisades' wrongdoing and
17 are therefore recoverable by plaintiffs as against defendants.

18 27. On or about March 5, 2012 the Superior Court of California heard the plaintiffs'
19 motion to set aside the default judgment entered against plaintiffs. At the time this
20 lawsuit was filed, the result of the hearing has not been decided. The court has
21 determined it was unclear whether under California law it has the power to set aside the
22 default despite plaintiff's lack of knowledge until January 2012 and has taken the matter
23 under a lengthy submission.

24 28. On or about March 5, 2012, counsel for plaintiffs informed counsel for
25 defendant, LRLO, which is also a debt collector, about the court taking the matter under
26 submission. Counsel for plaintiff also informed defendants about the personal health
27 concerns of the plaintiffs, the adverse affects the garnishment is having on the plaintiffs
28 and on their health, his intent to file this lawsuit and requested that the parties "enter

1 into a stipulated agreement with [defendants] to suspend garnishment pending the
2 outcome of the lawsuit". Defendants requested a copy of the draft lawsuit.

3 29. On or about March 14, 2012, plaintiffs' counsel sent LRLO a copy of a paystub
4 that proved that Polk was working on the day he was alleged to have been served with
5 the summons and complaint. Defendants' claim Plaintiff was at home. Plaintiffs' counsel
6 again requested a stipulation regarding the garnishment to mitigate harm. Defendant's
7 stated they were "unwilling" to do so.

8 **FIRST CAUSE OF ACTION**

9 *(California Civil Code section 1788 et seq.)*

10 30. Plaintiffs reaffirm and reallege paragraphs above herein as if specifically set forth
11 more fully herein below.

12 31. Defendants are included in the class of entities whose debt collection activities
13 are regulated under California Civil Code section 1788 *et seq.* as defined by California
14 Civil Code § 1788.2(c).

15 32. Plaintiffs are "person[s]" as defined by California Civil Code § 1788.2(g).

16 33. This case involves money, property or their equivalent, due or owing or alleged to
17 be due or owing from a natural person by reason of a consumer transaction. As such,
18 this action arises out of a "consumer debt" as those terms are defined by California Civil
19 Code § 1788.2(f).

20 34. The foregoing acts and omissions constitute numerous and multiple violations of
21 California Civil Code section 1788 *et seq.*, including but not limited to:

- 22 a. Cal. Civ. Code section 1788.15 which states a "debt collector shall [not]
23 collect or attempt to collect a consumer debt by means of judicial
24 proceedings when the debt collector knows that service of process, where
25 essential to jurisdiction over the debtor or his property, has not been
26 legally effected;
- 27 b. Cal. Civ. Code section 1788.10(c) which prohibits the communication "to
28 any person the fact that a debtor has engaged in conduct, other than the

1 failure to pay a consumer debt, which the debt collector knows or has
2 reason to believe will defame the debtor;

3 c. Cal. Civ. Code section 1788.12(a) which prohibits "[c]ommunicating with
4 the debtor's employer regarding the debtor's consumer debt unless such a
5 communication is necessary to the collection of the debt".

6 35. It is believed that other violations of 1788 *et seq.* have been violated and if
7 discovered during the process of discovery Plaintiffs will amend this complaint to allege
8 the specific allegations setting forth the violations.

9 36. As a result of violation of California Civil Code § 1788 *et seq.* plaintiffs are
10 entitled to statutory damages in the amount of \$1,000, actual damages in an amount to
11 be determined at trial from defendants, and attorney fees and cost.

12 37. Plaintiffs did suffer actual damages; *inter alia*, legal fees incurred trying to protect
13 their interest, adverse effects to their health, distress, aggravation and anxiety suffered
14 by the plaintiffs, interest and penalties incurred from borrowing from their saving's, all as
15 a result of defendant's conduct.

16 **SECOND CAUSE OF ACTION**

17 *(Title 15 USC 1692 et seq.)*

18 38. Plaintiffs reaffirms and realleges paragraphs above herein as if specifically set
19 forth more fully herein below.

20 39. Defendants are "debt collectors" as defined by 15 USC 1692a(6).

21 40. Plaintiff is a "consumer" as defined by 15 USC section 1692c(d) and 15 USC
22 1692a(3).

23 41. These financial obligations were primarily for personal, family or household
24 purposes and are therefore a "debt" as that term is defined by 15 U.S.C. §1692a(5).

25 42. The foregoing acts and omissions constitute numerous and multiple violations of
26 the FDCPA, including, but not limited to:

27 a. Engaging in conduct the natural consequence of which is to harass,
28 oppress, or abuse Plaintiff (§1692d));

- b. Using false, deceptive, or misleading representations or means in connection with collection of a debt (§1692e);
- c. Using false representations and deceptive practices in connection with collection of an alleged debt from Plaintiff (§1692e(10));
- d. Using unfair or unconscionable means against Plaintiff in connection with an attempt to collect a debt (§1692f)); and
- e. Disclosing to a third party the existence of the debt allegedly owed by Plaintiff (§ 1692b(2) & § 1692c(b)).

43. It is believed that other violations of 15 U.S.C. 1692 *et seq.* have been violated and if discovered during the process of discovery Plaintiffs will amend this complaint to allege the specific allegations setting forth the violations.

44. As a result of each and every violation of the FDCPA, the plaintiffs are entitled to any actual damages pursuant to 15 U.S.C. § 1692k(a)(1) including *inter alia*, legal fees incurred trying to protect their interest, adverse effects to their health, distress, aggravation and anxiety suffered by the plaintiffs, interest and penalties incurred from borrowing from their saving's, all as a result of defendant's conduct; statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from each and every defendant, jointly and severally.

THIRD CAUSE OF ACTION

(California Civil Code 1788.17)

45. Plaintiff reaffirms and realleges paragraphs above herein as if specifically set forth more fully herein below.

46. California Civil Code section 1788.17 provides any entity included in the class of entities whose debt collection activities are regulated under California Civil Code section 1788 *et seq.* as defined by California Civil Code § 1788.2(c), have violated California Civil Code section 1788.17 when particular sections of Title 15 USC 1692 are violated.

///

1 47. This cause of action alleges damages under California Civil Code section
2 1788.17 for violation of Title 15 USC 1692.

3 48. Defendants are included in the class of entities whose debt collection activities
4 are regulated under California Civil Code section 1788 *et seq.* as defined by California
5 Civil Code § 1788.2(c)

6 49. Plaintiffs are “person[s]” as defined by California Civil Code § 1788.2(g).

7 50. This case involves money, property or their equivalent, due or owing or alleged to
8 be due or owing from a natural person by reason of a consumer transaction. As such,
9 this action arises out of a “consumer debt” as those terms are defined by California Civil
10 Code § 1788.2(f).

11 51. The foregoing acts and omissions constitute numerous and multiple violations of
12 the FDCPA including but not limited to:

- 13 a. Engaging in conduct the natural consequence of which is to harass,
14 oppress, or abuse Plaintiff (§1692d));
- 15 b. Using false, deceptive, or misleading representations or means in
16 connection with collection of a debt (§1692e);
- 17 c. Using false representations and deceptive practices in connection with
18 collection of an alleged debt from Plaintiff (§1692e(10));
- 19 d. Using unfair or unconscionable means against Plaintiff in connection with
20 an attempt to collect a debt (§1692f)); and
- 21 e. Disclosing to a third party the existence of the debt allegedly owed by
22 Plaintiff (§ 1692b(2) & § 1692c(b)).

23 52. It is believed that other violations of Title 15 U.S.C. 1692 *et seq.* have been
24 violated and if discovered during the process of discovery Plaintiffs will amend this
25 complaint to allege the specific allegations setting forth the violations.

26 53. Upon proving the allegation stated above, under the Cal. Civ. Code 1788.17
27 pursuant to 15 USC § 1692, Plaintiffs are entitled to statutory damages, actual damages
28 and attorney fees.

1 54. As a result of each and every violation of the FDCPA, the plaintiffs are entitled to
2 any actual damages pursuant to 15 U.S.C. § 1692k(a)(1) including, *inter alia*, legal fees
3 incurred trying to protect their interest, adverse effects to their health, distress,
4 aggravation and anxiety suffered by the plaintiffs, interest and penalties incurred from
5 borrowing from their saving's, all as a result of defendant's conduct; statutory damages
6 in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and reasonable
7 attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from each and every
8 defendant, jointly and severally.

9 **FOURTH CAUSE OF ACTION**

10 *(Negligence)*

11 55. Plaintiff incorporates by reference the above paragraphs as though fully stated
12 herein below.

13 56. Defendants' outrageous and intrusive acts as described herein constituted
14 negligence.

15 57. Defendants negligently inflicted emotional distress, aggravation, anxiety and
16 financial harm to Plaintiffs.

17 58. Defendants breached a duty imposed and failed to exercise ordinary care.

18 59. Defendants owed Plaintiffs a duty to refrain from unlawful debt collections
19 (California Civil Code §1788 *et seq.* and Title 15 USC 1692 *et seq.*).

20 60. The breach of such duty proximately caused injury to Plaintiff.

21 61. The injury resulted from an occurrence the nature of which these statutes were
22 designed to protect Plaintiff from.

23 62. Plaintiff is a member of the class of persons the statutes were designed to
24 protect.

25 63. Defendants' conduct, as described herein, was wrongful conduct in that the
26 defendants conducted their business in an abusive, oppressive, and harassing manner.

27 64. Defendants negligently trained, supervised, and retained, its employees and
28 agents.

65. Defendants' wrongful conduct as described herein actually and proximately caused the Plaintiffs severe and serious emotional distress, anxiety and aggravation in that the defendants wrongful conduct has caused harm as described above.

66. It is clearly foreseeable that defendants' actions as described herein could cause harm, including severe and serious emotional distress

67. As a direct and proximate result of defendants' unlawful conduct, Plaintiffs has suffered damages in an amount to be determined at trial. Defendants' wrongful conduct as described herein actually and proximately caused the Plaintiffs' harm as noted above.

68. Defendants acted with oppression, and/or malice, thereby entitling Plaintiff's to punitive damages in an amount to be determined at trial. Defendant acted in a despicable manner and acted with a conscious disregard to the rights of Plaintiffs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Polk and Plaintiff Wagoner pray for judgment against defendants as follows:

- a. An award of actual damages pursuant to California Civil Code § 1788.30(a);
- b. An award of statutory damages of \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b);
- c. An award of costs of litigation and reasonable attorney's fees, pursuant to Cal. Civ. Code § 1788.30(c).
- d. Statutory damages pursuant to Cal. Civil Code § 1788.30(b) and Civil Code 1788.17;
- e. Actual damages according to proof pursuant to Cal. Civil Code § 1788 and 1788.17, as well as common law;
- f. An award of costs of litigation and reasonable attorney fees pursuant to Cal. Civil Code § 1788 and 1788.17,
- g. An award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1);

- h. An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- i. An award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3);
- j. General damages according to proof;
- k. Special damages according to proof;
- l. Treble damages pursuant to Civil Code §3345;
- m. Punitive damages;
- n. Attorneys' fees and costs; and
- o. Such other and further relief that may be just and proper.

69. Plaintiffs hereby demand a trial by jury.

Dated this: **March 14, 2012**

CROWLEY LAW GROUP

/s/ Michael L. Crowley
Michael L. Crowley
Attorney for the Plaintiffs
Terry Polk
Timothy Wagoner

CROWLEY LAW GROUP

/s/ Andre L. Verdun
Andre L. Verdun
Attorney for the Plaintiffs
Terry Polk
Timothy Wagoner

DEMAND FOR JURY TRIAL

NOW COMES Plaintiffs, Polk and Wagoner, by and through their attorneys, Michael L. Crowley and Andre L. Verdun and hereby demands a trial by jury in the above-captioned matter.

Dated this: **March 14, 2012**

CROWLEY LAW GROUP

/s/ Michael L. Crowley
Michael L. Crowley
Attorney for the Plaintiffs
Terry Polk
Timothy Wagoner

CROWLEY LAW GROUP

/s/ Andre L. Verdun
Andre L. Verdun
Attorney for the Plaintiffs
Terry Polk
Timothy Wagoner

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

TERRY POLK and TIMOTHY WAGONER

(b) County of Residence of First Listed Plaintiff VENTURA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Crowley Law Group 401 West A Street, San Diego, CA 92101

DEFENDANTSLEGAL RECOVERY LAW OFFICES, and MARK WALSH,
PALISADES COLLECTION

County of Residence of First Listed Defendant SAN DIEGO
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

'12CV0641 W MDD**II. BASIS OF JURISDICTION**

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

- Citizen of This State ☒ PTF ☒ DEF (aef) Incorporated or Principal Place of Business In This State ☐ 4 ☒ 4 (aef)
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title 15 USC 1692

Brief description of cause:

Debt collection abuse and harassment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 1,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

03/14/2012

/s/ Andre L. Verdun

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE